

Gentlefolk:

I urge you to reject the two petitions filed under RM-10641. I believe that these proposals are poorly considered, overbroad, would not solve the sorts of problems that they purport to solve, and would pose a substantial burden on the manufacturers, retailers, and users of amateur and other radio equipment.

The first proposal, which would require record-keeping for all retail sales of both licensed and un-licensed radio equipment, seems to me to be defective in a number of ways. It requires that retailers keep records after the sale of such equipment, but it gives no assurance at all that the information provided to the retailer is either honest or current. "Freebanders" who wish to use radios illegally could quite easily evade the intent of this proposal, by ordering equipment under a false name using an accomodation address and false phone number.

Mail-order and on-line sales of such equipment would appear to be exempted (by the petitioner's use of the phrase "over-the-counter"), or effectively forbidden (by the petitioner's requirement that the purchaser sign the sales slip or "vendor printed form"). The petitioner's intent here is unclear.

The petition would appear to also apply to popular data-transmission devices such as 802.11 wireless LAN cards and access points (and computers containing them), devices using Bluetooth, 2.4 GHz video transmitters, rolling-code garage door openers, and so forth.

The cost and trouble of requiring identification, signing, and record keeping for sales of popular devices such as FRS radios and wireless-LAN cards would be a great burden to mass-market retailers. Many retailers would probably choose to stop selling such devices, rather than raise prices substantially. This would greatly reduce consumer choice and convenience, and raise the costs of such devices where they remained available.

The petitioner fails to make any real case that this identification and tracking process is justified or required by any valid public need. Enforcement problems involving illegal use of licensed (or unlicensed) radio equipment appear to be due mostly to lack of manpower and the presence of more-urgent public safety issues, not lack of trackability. Nothing that the petitioner suggests would change this.

He suggests that a retail vendor "may request the local police to look into" the situation if he believes that a radio is being purchased by someone who has no legal right to use the equipment. Every retail vendor has that ability today. Nothing in the petition would mandate that local police actually pursue any sort of investigation, nor would such local law enforcement organizations be required to maintain a staff with sufficient training to do so.

In summary, the first petition appears to me to be expensive, ineffective, and entirely unjustified.

The second proposal suffers similar weaknesses. It would require "tagging" of massive numbers of devices (including the above-mentioned

LAN cards and garage door openers). There would be no assurance that the information on the tags be accurate or current, provides no mechanism by which local law enforcement officials could check the validity of the given information, and does not suggest or mandate any penalty for inaccurate tagging or for the alteration or replacement of tags.

Once again, the petitioner alludes to "the needed tool's [sic] of Local Law Enforcement", but provides no evidence that the information required by his proposal would actually provide a significant or reliable benefit to law-enforcement officers. It seems to me that any officer who intends to try to enforce radio-licensing laws and regulations, ought to do so on the basis of professional training and education, rather than on the basis of a tag which may or may not be present on the equipment he's concerned about.

This second petition, like the first, seems to me to be poorly thought out and written, unjustified, expensive to implement, and unlikely to serve any valid public purpose.

Both of these petitions also carry an unfortunate flavor of "Big Brother" monitoring of radio ownership. It is curious and disturbing that the petitioner suggests that unlicensed radios are more deserving of tracking (and thus presumably more dangerous to public safety) than is true of hand-guns in many areas of the country.

I recommend that the Commision reject both of the changes proposed by Petitioner in RM-10641.

Respectfully yours,

David C Platt